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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,303	10/08/2003	Osamu Takagi	016887-1100	5483

22428 7590 05/17/2005

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EXAMINER

LEUNG, PHILIP H

ART UNIT PAPER NUMBER

3742

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,303

Applicant(s)

TAKAGI ET AL.

Examiner

Philip H Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-42 and 44 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Final Office action mailed 4-19-2005 is hereby vacated because the newly added claims 37-44 were not treated due to an inadvertent oversight. Any inconvenience this may have caused the applicant is sincerely regretted.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 34 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al (US 5,752,150) (previously cited by applicant), in view of Asada (JP 3-90200) (newly cited).

Kato shows in Figures 2 and 9-12, a fixing device using induction heating for causing alternating current to pass through an electromagnetic induction coil 3, 22, which is arranged so as to be close to an endless member 5 having a metal layer of a conductive material (see col. 11, lines 32-45), to cause said endless member to generate heat to heat a member to be fixed, wherein said coil has a plurality of unit wires 301-304 (Figures 16-18), formed of litz wires that are individually insulated, col. 11, lines 9-12 and it also includes an insulating member 39 for covering the coil 22 and the holder to isolate the coil from the heating member 5 (see Figures 28-31 and col. 18, line 14 – col. 20, line 13). It states that the insulating member 39 may be a coating (col. 19, lines 9-14). Kato does not explicitly state that the induction coil comprises a litz wire that includes a plurality of twisted single wires, each of said single wires being a conductor

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coated by a first insulating coating, and wherein said litz wire which comprises the plurality of single wires is coated by a second insulating coating” as now claimed. Asada shows an induction heating device with an induction heating coil formed of a litz wire 32, intertwined with a plurality of enamel insulated wires and a waterproof insulation coating 36 on the outside of the litz wires (see Figure 2 and the English abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kato to use an insulating coating on the litz wires to provide better insulation to waterproof the coil and to prevent breakdown, in view of the teaching of Asada.

4. Claims 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al (US 5,752,150), in view of Asada (JP 3-90200), as applied to claim 34 above, and further in view of Netzer (US 2,888,541) (newly cited).

Kato combined with Asada shows every feature and structure except for the explicit showing how the induction coil and the core are bonded. Netzer shows that it is notoriously old and well known in the art of induction heating coil assembly to form a coil winding with a multiple strand conductor of induction heating devices to use an adhesive (such as a resinous composition) with mica powders to bind and insulate the coil turns and core together (see Figures 1 and 2, col. 1, lines 39-59 and col. 4, line 61 – col. 5, line 21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kato combined with Asada to use an adhesive with mica powders for bonding the coil turns and the core together for better insulation and heat protection, in view of the teaching of Netzer (see col. 6, lines 42-75). The exact temperature (claim 36) and the mixing ratio (claim 41) of the heat

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resistant composition (claim 36) and the use of any well known resinous material as the adhesive would have been an obvious engineering expediency depending on the operation conditions and requirements.

5. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Applicant's arguments with respect to claims 34-36 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

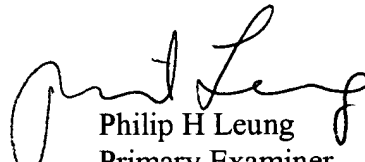
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (571) 272-4782. The examiner can normally be reached on flexible.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
5-4-2005